

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

ROBERT NOWELL, JR.,)	
Plaintiff,)	Civil Action No. 7:15cv00461
)	
v.)	
)	By: Elizabeth K. Dillon
MARTIN KUMER, <i>et al.</i> ,)	United States District Judge
Defendants.)	

MEMORANDUM OPINION

Robert Nowell, Jr., a Virginia inmate proceeding *pro se*, filed a civil rights action pursuant to 42 U.S.C. § 1983 against Superintendent Martin Kumer, Major Rowland, Dr. Juanita Morris, and Nurse Workman, all staff at the Albemarle-Charlottesville Regional Jail. Having reviewed the complaint, the court finds that Nowell’s allegations are far too vague to state a cognizable federal claim against any defendant.

Nowell alleges that he “completed a sick call describing a pre-existing condition,” but because he received no response “in an appropriate time frame,” he requested a grievance form. He also alleges that he informed the medical department that the “Urology Dept. U.V.A[.] has records.” Finally, Nowell alleges that he received a response from Dr. Morris and Nurse Workman stating that he did not have a pre-existing condition, but “no tests were performed to confirm or deny these findings.” As relief, Nowell asks the court to end his mental and physical suffering.

To state a claim for relief under § 1983, a plaintiff must allege facts indicating that plaintiff has been deprived of rights guaranteed by the Constitution or laws of the United States and that this deprivation resulted from conduct by a person acting under color of state law. *West v. Atkins*, 487 U.S. 42, 48-49 (1988). A plaintiff must assert factual allegations that raise a right

to relief that is “plausible on its face,” not one that is speculative or merely “conceivable.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The court must dismiss an action or claim filed by a prisoner against an employee of a governmental entity if the action or claim is frivolous, malicious, or fails to state a claim upon which relief may be granted. 28 U.S.C. § 1915A(b)(1). The court finds that Nowell’s allegations in his complaint are far too vague to state a cognizable federal claim against any defendant, and, therefore, the court will dismiss the complaint without prejudice pursuant to § 1915A(b)(1).

Entered: November 17, 2015.

Elizabeth K. Dillon
United States District Judge